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January 25, 2011

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
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Los Angeles, California 90012

#13 JANUARY 25, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Agenda No. 5
08/24/10

**Re: PROJECT NUMBER R2008-02217-(1)
CONDITIONAL USE PERMIT NUMBER 2008-00181-(1)
FIRST SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a public hearing regarding the Regional Planning Commission's approval of the above-referenced permit, which is associated with Local Plan Amendment Number 2008-00011-(1) and Zone Change Case Number 2008-00009-(1), and relates to the proposed development of a convenience store and auto service center at 3949 Dennison Street in the East Los Angeles community. At the completion of the hearing, your Board indicated an intent to approve the permit and instructed us to prepare findings and conditions for approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By

L. Hafetz
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:

John F. Krattli
JOHN F. KRATTLI
Senior Assistant County Counsel

LLH:sh
Enclosure

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 2008-00181-(1)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Conditional Use Permit Case No. 2008-00181-(1) ("CUP") on August 24, 2010. The CUP was heard concurrently with Local Plan Amendment Case No. 2008-00011-(1) ("Plan Amendment") and Zone Change Case No. 2008-00009-(1) ("Zone Change"). The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the CUP, Plan Amendment, and Zone Change on May 5, 2010 and June 16, 2010.
2. The permittee, BP West Coast Products, LLC, requests the CUP and related entitlements to authorize the demolition of an existing 1,625-square-foot convenience store and auto service center, and the construction and operation of a new 2,120-square-foot AM/PM convenience store and auto service center, with the sale of beer and wine for off-site consumption. The CUP would also authorize certain modifications to the East Los Angeles Community Standards District ("CSD") for landscaping and signage at the site, discussed further in these findings.
3. The site is approximately one-half acre in size, located at 3949 Dennison Street in East Los Angeles, in the Eastside Unit No. 1 Zoned District. The project is within the area governed by the East Los Angeles Community Plan ("Community Plan") and the CSD, and will be located on the northwest portion of the site.
4. The Plan Amendment is a related request to change the site's existing land use designation in the Community Plan from Medium Density Residential to Major Commercial.
5. The Zone Change is a related request to change the zoning for the property from R-3 (Limited Multiple Residence) to C-1-DP (Restricted Business, Development Program). The -DP designation will ensure that the development conforms to the approved plans and exhibits submitted by the permittee and that it will remain compatible with the surrounding area.
6. The CUP will ensure compliance with the -DP zoning designation pursuant to section 22.40.040 of the Los Angeles County Code ("County Code"). The CUP will restrict development of the re-zoned property to the proposed project shown on the approved site plan marked "Exhibit A," and will ensure that no other development will be permitted on the property unless a new CUP is first obtained.
7. The CUP will not become effective until the proposed Plan Amendment and Zone Change are adopted by the Board and become effective.

8. The one-half-acre site has level topography and is currently developed with an ARCO service station and convenience store.
9. The site is located at the northwest corner of Dennison Street and South Ditman Avenue in East Los Angeles. An on/off ramp for the northbound Santa Ana Freeway (Interstate 5) connects to this intersection from the south. Access to the site is via four driveways: two from Ditman Avenue to the east and two from Dennison Street to the south.
10. The proposed new structures will have a maximum height of 20 feet. The project will add 1,569 square feet of landscaping to the existing site, resulting in a total of 2,109 square feet of landscaping for the site. Nine on-site parking spaces will be provided, one of which will be reserved for disabled persons. Two existing gas pump canopies, 650 square feet and 1,378 square feet in size, respectively, will remain on the site with a total of six gas pumps, but they will be refurbished. An existing pole sign 55 feet in height will remain on the site, and a new monument sign 25 feet in height will be built and located on the southeast corner of the site. A trash enclosure will be located on the western edge of the property.
11. The existing use at the site was authorized in 1970 by Zone Exception Case No. 9050, which use amortized in 1991. In 1993, Non-conforming Review Case No. 92-255 authorized the use's continued operation, which approval expired in 2008. At that time, the permittee filed the instant application with the County Department of Regional Planning ("Regional Planning") for the proposed CUP and related entitlements.
12. The site's existing use was established prior to adoption of the Community Plan and the R-3 zoning for the site. The Plan Amendment will allow expansion and/or intensification of the existing use, thus allowing the construction of the new convenience store and auto service center.
13. The surrounding properties are zoned as follows:

North:	R-3;
South:	The Santa Ana Freeway (Interstate 5);
East:	C-1-DP; and
West:	R-3.
14. The surrounding land uses are as follows:

North:	Single-family and multi-family residences;
South:	The Santa Ana Freeway (Interstate 5);
East:	A service station and convenience store; and
West:	Single-family and multi-family residences.

15. The site's proposed land use designation in the Community Plan is Major Commercial, a designation that provides for a variety of large and small businesses. The establishment of a convenience store and auto service center is consistent with this designation.
16. Under section 22.28.110 of the County Code, a CUP is required to sell alcoholic beverages in the C-1 zone for either on-site or off-site consumption, subject to the alcohol sale requirements in section 22.56.195 of the County Code. A CUP is also required for a project's -DP zoning overlay. Accordingly, the permittee requests the CUP to authorize the construction and operation of a convenience store and auto service center with the sale of beer and wine for off-site consumption within a C-1-DP zone.
17. Pursuant to section 22.40.040 of the County Code, property in Zone ()-DP may be used for any use permitted in the basic zone subject to the conditions and limitations of the CUP.
18. The CSD would require a landscaped buffer at the site five feet in width along the northern and western property lines. However, this requirement cannot be met for approximately 14 feet along the site's western boundary where the trash enclosure will be located because additional space in front of this enclosure is required to maintain traffic circulation throughout the site. Since the five-foot-wide buffer is impractical for this portion of the site, the CSD modification is reasonable and proper under the circumstances.
19. The project proposes 2,109 square feet of landscaping for the site. Under the CSD, such a landscaped area would require the installation of 42 trees. Because adequate space for trees is limited on the site, this CSD requirement will be modified to require a minimum of 10 trees within the proposed landscaping, which modification is reasonable and proper under the circumstances.
20. The CSD would allow a total sign area for the project of 114 square feet, with a maximum height of 40 feet for any one sign. The project will deviate from these CSD requirements by having approximately 502.3 square feet of total signage area, and also by having the existing 55-foot-high pole sign allowed to remain. The gasoline pricing monument sign will not be included in the sign area calculation pursuant to section 22.52.970(D) of the County Code. These CSD modifications are reasonable and proper under the circumstances because it would be impractical to compel the removal of the pre-existing pole sign, which existing sign is the basis of these modifications.
21. Prior to the Commission's public hearing, an Initial Study was prepared for the project in compliance with the California Environmental Quality Act ("CEQA"). Based on the Initial Study, staff determined that a Negative Declaration ("ND") was the appropriate environmental document for the project, finding that there was no substantial evidence that the project would have a significant effect on the environment.

22. Prior to the Commission's public hearing, staff consulted the County Sheriff's Department's ("Sheriff") East Los Angeles Station to inquire whether, based on law enforcement concerns, the Sheriff had any objection to allowing the sale of beer and wine for off-site consumption at the proposed site. The Sheriff raised no objection for such a use.
23. At the Commission's May 5, 2010 public hearing session, the Commission heard a presentation from staff and testimony from the permittee's representative. In its discussion, the Commission requested that the permittee consider several design changes to the project including, among other things, a change to the project's landscaped buffer, a relocation of the trash enclosure, and a relocation of the convenience store. The Commission continued the public hearing to June 16, 2010 for the permittee to consider these proposed design changes.
24. At the Commission's June 16, 2010 continued public hearing session, the Commission heard a presentation from staff and testimony from the permittee's representatives. In response to the Commission's direction at the prior hearing, the permittee submitted an updated site plan and landscape plan. The permittee's representatives testified that, due to circulation and space issues at the site, relocating the convenience store was infeasible. Further, in response to additional Commission discussion at the hearing, the permittee's representatives testified that it would agree to modify its updated landscape plan to comply with the County's drought-tolerant landscaping ordinance and to depict all plantings on the landscape plan as five-gallon plantings or greater.
25. On June 16, 2010, after hearing all testimony, the Commission closed the public hearing, adopted the ND for the project, approved the CUP, and recommended approval of the Plan Amendment and Zone Change to the Board, subject to the conditions recommended by staff.
26. Pursuant to section 22.60.230(B)(2) of the County Code, because the project approvals included a recommendation by the Commission to the Board on the Plan Amendment and Zone Change, the CUP was called up for review by the Board along with the request for the Plan Amendment and Zone Change.
27. The Board conducted its public hearing on the project on August 24, 2010 and heard a presentation from staff. The Board heard no testimony either in support of or in opposition to the project. The permittee's representative was present at the hearing but declined to testify.
28. The Board finds that less than 90 percent of the site will be occupied by the proposed convenience store and 10 percent of the site's lot area (1,945 square feet) will be landscaped, which percentages are consistent with the development standards of the C-1 zone.

29. The Board finds that the requested CSD modifications regarding landscaping and signage are reasonable and proper under the circumstances based on the size of the site, its traffic circulation, and the reasonable request to retain the site's pre-existing pole sign.
30. The Board finds that statistical data from the California Department of Alcoholic Beverage Control shows that the site is located within a high crime reporting district and is within a census tract with an over-concentration of alcohol sales. The Board further finds that one sensitive use, Ruben Salazar Park, is located within 600 feet of the site. However, the Board finds that these factors will be mitigated in carrying out the project because the permittee will be required to purchase an existing liquor license in the East Los Angeles area to prevent any net new liquor licenses in the area.
31. The Board finds that granting the CUP to sell beer and wine for off-site consumption at a new convenience store would serve the public convenience, as no other markets selling beer and wine are located within the immediate vicinity of the site.
32. The Board finds that as a condition of approval of this grant, the permittee shall be required to comply with the development standards and requirements of the C-1-DP zone, set forth in section 22.28.120 of the County Code, the applicable development program requirements for the -DP zoning designation, set forth in sections 22.40.030 through 22.40.080 of the County Code, and the applicable requirements of the CSD, except as modified by this CUP.
33. The Board finds that the permittee has submitted a development program, consisting of a site plan and progress schedule, which complies with the requirements of section 22.40.050 of the County Code.
34. The Board finds that the project complies with the County Code's parking requirement since the County Code would require eight parking spaces for this use, and the project will instead provide nine parking spaces, one of which will be reserved for disabled persons.
35. The Board finds that compatibility with surrounding land uses will be ensured through the related Plan Amendment and Zone Change.
36. The Board finds that in determining that the project was consistent with the General Plan, the housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources.
37. The Board finds that an Initial Study was prepared for the project in accordance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, a ND was prepared for the project.

38. Approval of this CUP is conditioned on the permittee's compliance with the attached conditions of approval.
39. The project is subject to California Department of Fish and Game fees pursuant to section 711.4 of the California Fish and Game Code.
40. The permittee has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice. Compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.
41. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That the proposed use with the attached conditions and restrictions will be consistent with the adopted Countywide General Plan;
- B. That with the attached conditions and restrictions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and adequately served by other public or private service facilities as are required;
- E. That the requested use at the proposed location will not adversely affect the use of any place used exclusively for religious worship, school, park, or playground purposes, or any similar use within a 600-foot radius;
- F. That the requested use at the proposed location is sufficiently buffered in relation to nearby residential areas, if any, so as not to adversely affect said areas;

- G. That the requested use at the proposed location will not violate County Code provisions regarding the undue concentration of establishments selling alcoholic beverages since it would serve the public convenience for this facility to sell alcoholic beverages, and because the shelf space devoted to such sale of alcoholic beverages at this location will be limited to no more than five percent of the facility's total shelf space;
- H. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community, and that the development provides adequate vehicular access and parking and loading so as to prevent undue traffic congestion;
- I. That the Development Program, approved through the CUP, provides necessary safeguards to ensure completion of the proposed development by the permittee and to forestall the substitution of a lesser type of development contrary to the public convenience, welfare, or development needs of the area.
- J. That approval of the CUP, Plan Amendment, and Zone Change will result in an updated policy map in the Community Plan to reflect current conditions in the area, and that such approval will also establish development standards to ensure future development on the subject property will be compatible with the goals and policies of the CSD; and
- K. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Certifies that the ND was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the ND and that it reflects the independent judgment and analysis of the Board as to the environmental consequences of the project; finds that on the basis of the whole record before the Board, there is no substantial evidence that the project will have a significant effect on the environment;
2. Certifies that it adopted the ND at the conclusion of the public hearing on the project; and
3. Approves Conditional Use Permit Case No. 2008-00181-(1), subject to the attached conditions.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NUMBER 2008-00181-(1)

1. This grant authorizes the demolition of an existing auto service center and convenience store and the construction, operation, and maintenance of a new auto service center and convenience store, with the sale of beer and wine for off-site consumption, located at 3949 Dennison Street in East Los Angeles, as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. Approval of this grant shall be contingent upon, and shall not become effective until Local Plan Amendment Case No. 2008-00011-(1) ("Plan Amendment") and Zone Change Case No. 2008-00009-(1) ("Zone Change") are approved by the Los Angeles County ("County") Board of Supervisors ("Board") and the Zone Change becomes effective.
4. This grant shall not be effective for any purpose and cannot be used unless and until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept all of the conditions of this grant, and that the conditions have been recorded as required by Condition No. 5, and until all required monies have been paid pursuant to Condition Nos. 12 and 13. Notwithstanding the foregoing, this Condition No. 4, and Condition Nos. 2, 7, 8, 9, 12, and 13 shall become immediately effective upon final approval of this grant.
5. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Registrar-Recorder/County Clerk. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director").
6. As it relates to the sale of beer and wine for off-site consumption, this grant shall terminate 10 years after its final approval date and entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue such sale of beer and wine for off-site consumption after this termination date, the permittee shall file a new conditional use permit application with Regional Planning at least six months prior to the expiration of the grant, whether or not the permittee seeks any modification of the use at that time. As it relates to all other uses authorized by this grant, there shall be no termination date of the grant.

7. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this grant approval, which action is brought within the applicable time period of section 65009 of the California Government Code or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to notify the permittee of any claim, action, or proceeding, or if the County fails to reasonably cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
8. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing, pay Regional Planning an initial deposit of \$5,000 from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or the permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with section 22.170.010 of the Los Angeles County Code ("County Code").

9. This grant shall expire unless used within two years from the date of final approval. Pursuant to section 22.56.140 of the County Code, the permittee may request a one-year extension to use this grant, provided such request is made in writing and accompanied with the applicable fee at least six months prior to the expiration date described herein.
10. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission or a County Hearing Officer may, after conducting a public hearing, revoke or modify this grant if it is found that these conditions have been violated, or that this grant has been exercised so as to be detrimental to the public health,

safety, or so as to be a nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the permittee shall compensate the County for all costs incurred in such proceedings.

12. Within three days following the final approval date of this grant, the permittee shall remit processing fees in the amount of \$2,085.25 payable to the County in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the California Public Resources Code and section 711.4 of the California Fish and Game Code to defray the cost of wildlife protection and management incurred by the California Department of Fish and Game. No land use project subject to this requirement is final, vested, or operative until the fee is paid.
13. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County the sum of \$1,000 to be placed in a performance fund to be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including inspecting the permittee's adherence to development in accordance with the site plan on file at Regional Planning. This fund shall provide for inspections once every two years, for a total of five inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost at the time of payment, whichever is greater.

14. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) for such revision.
15. All development shall comply with the requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions, including the Exhibit "A" or a revised Exhibit "A" approved by the Director.

16. All structures in the development shall comply with the requirements of the County Department of Public Works ("Public Works") Division of Building and Safety, the County Forester and Fire Warden, and the County Department of Public Health.
17. All construction machinery for the project shall have suitable exhaust and air-intake silencers/mufflers. Idling of such machinery shall be minimized and all machinery shall be turned off when not in use and placed as far from nearby residences as possible. Construction activity shall be prohibited from 7 p.m. to 7 a.m. Monday through Saturday, and prohibited all day on Sunday and legal holidays. Noise from compressors, air conditioners, and/or refrigeration units shall be no greater than 55 dB(A) measured from any adjacent residential property line. Such equipment shall also be shielded from the sight line of adjacent residences with an acoustical barrier or structure to cover the equipment.
18. Prior to obtaining any building or grading permit, the permittee shall be required to obtain an approved National Pollution Discharge Elimination System ("NPDES") permit from Public Works. Further, for any development and/or redevelopment at the site which falls into one of the project types set forth in Public Works' Standard Urban Stormwater Mitigation Plan ("SUSMP"), the permittee shall obtain SUSMP approval by the appropriate agency.
19. In the event that a cultural or paleontological resource is encountered during ground-disturbing activities at the site, the permittee shall suspend construction in the vicinity of such resource and leave it in place until a qualified archaeologist or paleontologist can examine the resource and determine appropriate mitigation measures.
20. The project shall comply with all South Coast Air Quality Management District ("SCQAMD") Rule 403 (Fugitive Dust) control measures. The project shall also incorporate all right-of-way improvements required by Public Works and shall comply with all Enhanced Vapor Recovery ("EVR") Phase II standards.
21. Prior to obtaining any building permit, the permittee shall obtain approval from Public Works regarding the required right-of-way improvements for the project. In addition, existing driveway aprons and curb ramps shall be reconstructed along the frontage of the project site to comply with the applicable Americans With Disabilities Act ("ADA") standards.
22. Should any future operation within the project site involve the construction, modification, removal, or excavation of any underground storage tank, industrial waste treatment or disposal facility, and/or a stormwater treatment facility, the permittee shall contact Public Works' Environmental Programs Division for required approvals and operating permits.

23. Prior to demolishing any existing structure(s) on-site, the permittee shall obtain a statistically valid number of soil samples from the site, with an accompanying analysis, and submit such samples and analysis to the County Fire Department's Health Hazardous Materials Division in a quantity and quality satisfactory to said division.
24. Within 30 days of the final approval date of this grant, the permittee shall remove any and all illegal signage from the site. All new or additional signage at the site shall be developed in compliance with Part 10, Chapter 22.52 of the County Code, unless as otherwise modified by this grant.
25. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about the premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
26. The existing pole sign on the southwest corner of the site shall have a maximum height of 55 feet. All other structures on the site shall have a maximum height of 40 feet.
27. The existing pole sign on site shall have a maximum sign area of 375 square feet. The maximum sign area for the entire site shall be 502.3 square feet. In calculating the maximum sign area for the entire site, the sign area of the gasoline pricing monument on the southeast corner of the site shall not be included, and this pricing monument shall have a maximum sign area of 120 square feet.
28. The permittee shall maintain a minimum of 2,109 square feet of landscaping on site. Within 30 days following the final approval date of this grant, the permittee shall submit a landscaping plan to the Director for review and approval showing no fewer than 10 trees on site. The landscape plan shall also show compliance with the County's drought-tolerant landscaping requirements of section 22.52.2230 of the County Code, including the requirement that a minimum of 75 percent of the total landscaped area on site shall contain plants from Regional Planning's drought-tolerant plant list. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas, except where turf or other ground cover is present. All plantings shall have a minimum volume of five gallons. The permittee shall maintain all landscaping in a neat, clean, and healthful condition, and shall properly prune, weed, remove litter, fertilize, and replace plants when necessary.

29. The permittee shall comply with the development standards and requirements of the C-1-DP zone set forth in section 22.28.120 of the County Code, the applicable development program requirements set forth in sections 22.40.030 through 22.40.080 of the County Code, and the applicable requirements of the East Los Angeles Community Standards District.
30. The permittee shall only be permitted to sell beer and wine for off-site consumption between the hours of 10:00 a.m. to 12:00 a.m. (midnight), Sunday through Thursday, and 10:00 a.m. to 1:00 a.m. Friday and Saturday.
31. Pursuant to section 22.56.245 of the County Code, the permittee shall be prohibited from:
 - a. Displaying beer or wine within five feet of the cash register or the front door of the convenience store;
 - b. Selling beer or wine from a drive-in window;
 - c. Displaying beer or wine from an ice tub; and
 - d. Displaying any self-illuminating advertising for beer or wine on any building or window.
32. The permittee shall post the telephone number(s) of local law enforcement adjacent to the cashier area in the convenience store.
33. No advertising of alcoholic beverages shall be allowed on any exterior wall or window of the convenience store or at any exterior location of the subject property, including any pump island.
34. The permittee shall post signs on the premises to the satisfaction of the Director, in both English and Spanish, notifying customers that:
 - a. The consumption of alcoholic beverages on site is prohibited;
 - b. Loitering on the premises is prohibited;
 - c. It is a violation of the California Vehicle Code to transport open containers of alcoholic beverages within the passenger compartment of any motor vehicle;
 - d. The on-site cash register contains \$100 or less in cash and that the on-site drop safe is inaccessible to employees; and
 - e. Beer cannot be sold in individual containers having less than 48 ounces, and cannot be sold in multiple containers having less than a six-pack quantity.

35. The permittee shall not sell wine, other than wine coolers, in containers having less than 750 milliliters. Wine coolers shall not be sold in less than four-pack quantities. Alcohol miniatures of any type may not be sold on the premises.
36. The permittee shall provide adequate lighting above the entrance of the convenience store, which lighting shall be sufficient to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises.
37. The permittee shall maintain a video camera inside the premises mounted in such a position so as to be visible to customers but inaccessible to their reach.
38. The permittee shall instruct all employees regarding the prohibitions of on-site loitering and on-site consumption of beer and wine, and shall be directed to enforce these prohibitions and to contact local law enforcement to assist in any such enforcement effort if necessary.
39. All persons on the premises who sell alcoholic beverages to customers shall be at least 18 years old, and, between the hours of 10:00 p.m. and 1:00 a.m., all such persons shall be at least 21 years old. The permittee (or designated representative) and all managers and employees of the permittee 18 years or older shall participate in the LEAD ("Licensee Education on Alcohol and Drugs") Program provided by the California Department of Alcoholic Beverage Control ("ABC"), or an equivalent program determined appropriate by the Director. The training shall be ongoing and the permittee shall require all new employees to attend. The permittee shall display a certificate or plaque in a public area of the establishment indicating that the permittee and its managers and/or employees have participated in the program.
40. The permittee shall maintain the subject property in a neat and orderly fashion, and shall maintain all areas of the premises over which the permittee has control free of litter and debris.
41. At least one 13-gallon trash receptacle shall be placed inside and one 32-gallon trash receptacle outside the convenience store for use by customers.
42. Outside storage is expressly prohibited at the site.
43. No off-site advertising signs are permitted on the site.
44. The permittee shall be prohibited from placing portable signs on sidewalks adjacent to the site and from placing temporary signs on walls and poles on site. Temporary window signs shall not exceed 25 percent of the area of any single window or of any adjoining window on the same street frontage.
45. The permittee shall be prohibited from having any coin-operated amusement-type machine on the premises, other than an official state lottery machine.

46. Public telephones located in front of the premises shall be used for outgoing calls only.
47. The conditions of this grant shall be retained on the premises at all times and shall immediately be produced upon request by the County Sheriff, a County zoning enforcement inspector, or an ABC investigator. The convenience store manager and all employees shall at all times be knowledgeable of the conditions herein.
48. A minimum of nine off-street parking spaces shall be provided on site, including one space reserved for disabled persons.
49. The permittee shall be required to acquire one existing ABC license in the nearby East Los Angeles area, specifically within one of the following zoned districts in the Countywide General Plan: East Side Unit No. 1, East Side Unit No. 2, East Side Unit No. 4, East Los Angeles, or City Terrace, so as to prevent any net new liquor licenses in the area.